

SUBJECT: <b>Records</b>	NUMBER: 2-22.01
EFFECTIVE DATE:	REVIEW DATE:
NMMLEPSC STANDARDS: ADM.26.01, ADM.26.02, ADM.26.03, ADM.26.04, ADM.26.05, ADM.26.06, ADM.26.07, ADM.26.08, ADM.26.09, ADM.26.11, ADM.26.12	APPROVED: Sheriff

## **I. POLICY**

It is the intent of this policy to establish and maintain a system for the orderly maintenance, preservation and release of records regularly maintained by the records section of the Valencia County Sheriff's Department as part of normal department operations.

## **II. REPORTING REQUIREMENTS**

- A. Deputies are required to complete the following reports in the sheriff's department records management program, which will be approved by a supervisor, then submitted to records.
  1. Offense reports
  2. Information reports
  3. Supplemental
  4. Traffic crash
  5. Arrests
  6. Intelligence reports
  7. Protective Custody
  8. Animal bite reports (information)
  9. Towed vehicle
- B. Citizens of Valencia County have a right and a responsibility to report crimes to the sheriff's department. Citizens have a right to file a formal complaint against deputies who fail to handle citizens' concerns.
- C. A deputy will respond to all calls for service and take proper action or investigate all leads to ensure whether a crime has been committed. (Deputies will not refuse a call for service.) All calls will be answered in a timely manner.
- D. Supervisors will ensure all reports, facsimiles, and additional information is forwarded to the criminal investigations division in a timely manner.
- E. Records that need to be delivered to an outside agency, for example, CYFD, district attorney's office, magistrate court, communications, or others will be compiled by the records clerk and distributed in a timely manner to the appropriate agency.

- F. All field reports will be typed into sheriff's department records management system and will be approved by a supervisor and submitted as a record.
- G. The records section will submit a copy of all crash reports to Santa Fe as required.
- H. The records section will be responsible for filling and maintaining reports, facsimiles and any other documents submitted to records.

### **III. COMPUTER RECORDS SYSTEM**

- A. The department computer records system is compatible with the New Mexico Department of Public Safety criminal records system for uniform crime reports.
- B. Deputies have 24-hour access to the sheriff's department records system.
- C. The sheriff's department computer records system automatically flags juvenile arrest reports so they are not filed with adult offenders.
- D. The sheriff's department computer records system maintains an alphabetical master name index which cross references all documents in which a person has been named.
- E. The sheriff's department records management program will assign a unique number (incident or case number) to each incident that is reported to the department.
- F. The computer records system will maintain the following:
  - 1. Incidents by type
  - 2. Incidents by location
  - 3. Stolen, found, recovered and evidentiary property files
  - 4. Record of call file
  - 5. Arrest files
  - 6. Addresses/locations
  - 7. Crashes
  - 8. Citations
  - 9. Personnel data sheets
  - 10. Automated numbering system for incident files

### **IV. RECORDING ARREST INFORMATION**

- A. Each arrest will be submitted into the computer records system under the appropriate case number.
- B. The computer records system automatically generates a criminal history for each person arrested.
- C. Each person arrested will be fingerprinted and photographed by jail personnel on all

felonies, misdemeanor and on all warrants where the original charge is a felony or misdemeanor.

## **V. RECORDS SECURITY**

### **A. Original records**

The original of all records shall remain in the custody of the records section. When personnel need reports for court or other purposes, copies will be provided by records personnel through the authorized procedure. Records released to the public under these sections will similarly be done by copy. Specific approval of the custodian of records must be obtained before originals may be removed from the records section. The records section supervisor is authorized to check out case files for deputy's use in court when the case file is lengthy and would require extensive copying).

- B.** In order to maintain the integrity of the computerized records, only authorized employees have access through the use of user names issued by Valencia County IT.
- C.** The records office door will remain locked at all times, establishing controlled access. Only authorized personnel are allowed in the records office.
  - 1. The public will interact with records personnel through the barrier to the lobby.
  - 2. Department employees may interact with records personnel through the entrance Dutch door.
  - 3. The records storage room will remain locked after hours or when no records personnel are in the office.

## **VI. SEALED AND EXPUNGED RECORDS**

### **A. Procedures**

- 1. The individual requesting a record/file be sealed or expunged must have the case evaluated by district court or other court having jurisdiction. The same procedures are followed for adult and juvenile records/files.
- 2. Once a copy of the original court order has been received the following steps will be taken:
  - a) All paper work specified by the court order is placed in a manila envelope along with a copy of the court order. Any copies of the arrest paperwork that have been placed in the criminal incident report are also placed in the manila envelope.
  - b) The criminal incident report associated to the arrest being sealed is stamped "confidential" and a copy of the district court order is placed in the criminal incident report folder.

- c) A notation is marked in the computer indicating the record/file has been sealed. The original arrest charge(s) is replaced to reflect the charge(s) "Sealed by district court order". The original statute number(s) is replaced to reflect 88-88-88, indicating sealed.
- d) The sheriff's department records division will send a letter to district court within thirty (30) days stating all records/files have been sealed in compliance with the court order. A copy of the letter is sealed in the manila envelope along with the original records.
- e) The original sheriff's department records that were ordered sealed, along with the compliance letter will be physically placed inside of a manila envelope. The flap to the envelope will be sealed and then taped. The initials of the records clerk sealing the record/file will be written over the taped seal.
- f) A notation will be made on the outside of the manila envelope "DO NOT OPEN PER COURT ORDER".
- g) The copy of the court order is taped to the front of the manila envelope containing the sealed documents.
- h) The sealed record/file is maintained by the records section, separately from all other arrest files. This file will remain sealed without public access until the "sealed order" is removed by the Governor.

**B. Sealing the fingerprints and criminal histories:**

- 1. Once the order has been received and the record/file has been sealed, the State of New Mexico and FBI must be notified to have the record removed from the individual's criminal history (rap sheet).
- 2. A letter is sent to the Department of Public Safety in Santa Fe and the FBI in West Virginia stating an order has been received to have a record/file sealed. The letter is to contain the name, date of birth, social security number, arrest date, arrest charge(s), of the individual whose record/file has been sealed and a copy of the court order.

**C. If there are any specific instructions regarding the sealing of the record or file outlined in the court order, the instructions in the court order will supersede our policy and will be followed.**

**VII. PUBLIC RECORDS AND RETENTION SCHEDULE:**

- A. The sheriff's department will follow the legal requirements for the State of New Mexico for the retention of records.
- B: During posted business hours of the records section. Copies of "public records" may be purchased by the public pursuant to the posted fee schedule. All records contained in case

files maintained by the records section are considered public records by law and may be inspected by any person, or copies obtained pursuant to law. Adjunct records are not maintained by the Valencia County Sheriff's Department, they are maintained by the communications center. Therefore request for adjunct records will be referred to the communications center.

- C. Laws of the State of New Mexico provide that certain records are closed to public access and review. Records will be made available to the public in accordance with state statute 14-2-1 NMSA.
- D. Inspection process - Based on the legal significance of police records and to preserve the integrity of the record(s), original records will not be removed from the records section. Persons wishing to inspect public records may do so either in the presence of a records section clerk or by purchasing copies.